

House Bill No. 1207

An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to nor to supersede the authority of the district pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this act shall continue to apply.

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law in this act shall be construed to affect the ability

of the district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 2. Chapters 11128 (1925), 14381 (1929), 20114 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

Section 3. The Indian River Mosquito Control District is re-created, and the charter for such district is re-created and reenacted to read:

Section 1. The Indian River Mosquito Control District is re-created, and the special taxing district now existing and known and designated as Indian River Mosquito Control District, as created and incorporated by chapter 11128 (1925), Laws of Florida, as amended, is hereby abolished, and a new special taxing district in Indian River County, to be known and designated as Indian River Mosquito Control District, is hereby created, established, and incorporated to succeed said former special taxing district known and designated as Indian River Mosquito Control District, and which new special taxing district hereby created and incorporated, to be known as Indian River Mosquito Control District, shall embrace and include all that territory and area situated and being in Indian River County, within the following territorial boundaries, to wit:

All that part of Indian River County, Florida, lying East of the following described line:

Beginning at the South one-quarter corner of Section 36, Township 33 South, Range 36 East, said point lying on the South Township line and the South boundary line of Indian River County, a political subdivision of the State of Florida; thence run North along the one-quarter Section lines of Sections 36 and 25, Township 33 South, Range 36 East to the North line of Section 25, Township 33 South, Range 36 East; thence run East along said North line of Section 25, Township 33 South, Range 36 East to the Northeast corner of Section 25, said point lying on the Range line of Ranges 36 and 37; thence run North along the Range line to the intersection of the North right-of-way of State Road 60; thence run East along the said North right-of-way a distance of 732.15 feet to the East right-of-way of Lateral "S" Canal as shown on the plat of the Fellsmere Farms Company Subdivision of the Unsurveyed Township 32 South, Range 37 East, as recorded in Plat Book 2, Page 8, St. Lucie County Public Records; thence run North along said East right-of-way of Lateral "S" Canal to the intersection of the North boundary line of said Indian River County and the point of ending.

All of which lands hereinabove described and the owners thereof shall be entitled to all benefits and subject to all burdens and obligations as prescribed and set forth herein.

Section 2. The governing body of said Indian River Mosquito Control District shall be known and designated as the "Board of Commissioners of Indian River Mosquito Control District." Said governing body shall be composed of three members and shall have all the powers of a body corporate,

including the power to sue and be sued as a corporation in said name in any court; to contract; to adopt and use a common seal and alter the same at pleasure; to purchase, hold, lease, and convey such real estate and personal property as said board may deem proper to carry out the purposes of this act; to appoint a chief engineer, a consulting engineer, and an attorney for said board and such other agents and employees as said board may require; to borrow money and to issue negotiable promissory notes or bonds therefor; and to enable it to carry out the provisions of this act. The commissioners shall be elected in a nonpartisan election for 4-year terms so that one commissioner is elected at one general election by the highest number of votes cast and two commissioners are elected by the first and second highest number of votes cast at the next ensuing general election.

Section 3. Each commissioner under this act, before he or she assumes office, shall be required to give to Indian River Mosquito Control District a good and sufficient surety bond in the sum of \$5,000, conditioned for the faithful performance of the duties of his or her office, said bond to be approved by and filed with the Clerk of the Circuit Court of Indian River County. Said bond shall also be recorded in the minutes of said Board of Commissioners of said Indian River Mosquito Control District. The failure of any person so elected as commissioner of Indian River Mosquito Control District within 30 days after his or her election to give bond shall create a vacancy as to such commissioner, and such vacancy shall be filled by the Governor appointing a person duly qualified to hold such office, which manner of filling such office shall obtain in the case of resignation, death, or removal from said district of any commissioner during his or her term of office. No person shall be qualified to hold office as a commissioner under this act unless such person shall be a duly qualified elector of said district.

Section 4. As soon as practicable after each general election, the commissioners of Indian River Mosquito Control District, after their qualification as such, shall meet and organize by the election, from among their number, of a chair, a vice chair, and a secretary. Two members of the board shall constitute a quorum. The vote of two members shall be necessary to transact business. The chair and vice chair shall vote at all meetings of the board.

Section 5. The commissioners under this act shall be paid for each day's service and for each mile actually traveled in going to and from the office of the Board of Commissioners of Indian River Mosquito Control District according to per diem compensation expense and mileage rates established from time to time for officials and employees of the state. The per diem herein provided for shall apply to services rendered for inspection of work performed for the district or other services under this act. Additionally, commissioners shall be compensated for regular duties, as provided by general law or special act, at the rate of \$400 per month or such greater amount as may be permitted by general law or special act.

Section 6. The board is hereby authorized to invest its funds from time to time in interest-bearing depositories as prescribed by Florida law.

Section 7. Said board is hereby authorized and empowered to do any and all things necessary for the control and complete elimination of all species

of mosquitoes and sandflies and diseases transmitted by the same in said district and, for this purpose, is hereby authorized and empowered to construct and thereafter to maintain canals, ditches, drains, and dikes; to fill in all depressions, lakes, and ponds or marshes that are the breeding places of mosquitoes and sandflies, insofar as said work does not interfere with the water supply of any city or community; and to employ engineers, scientists, helpers, and all other servants, agents, and employees as may be necessary for the purpose of controlling and eliminating all species of mosquitoes and sandflies in said district. Said board is hereby authorized and empowered to spray or otherwise disburse, or cause to be sprayed or otherwise disbursed, chemicals, substances, and materials of every nature upon and over the area of said district as shall be deemed necessary or desirable for the purpose of controlling and eliminating all species of mosquitoes and sandflies in said district and, for such purposes, may contract for and purchase such chemicals, substances, and materials and may contract for the spraying or disbursing thereof over the area of said district or may employ such agents, servants, and employees for such purpose as the commissioners of said district may deem necessary or advisable; to do any and all things that may be necessary from the standpoint of public health and comfort to control or eliminate mosquitoes and sandflies or their larvae in said district; and to promulgate such rules and regulations not inconsistent with the provisions of this act and with any of the laws of said state which, in their judgment, may be necessary for the proper carrying into effect and enforcement of this act.

Section 8. Said board shall have power and authority to hold, control, and acquire by gift or purchase such real or personal property, and to condemn such lands or easements, as may be necessary for the carrying out of any of the purposes of this act or for the material to be used for any of said purposes and for the preservation of the works constructed or to be constructed by said board under this act. Said board is authorized to exercise the right of eminent domain for the use of said district, in the manner prescribed by law, over such lands, easements, rights-of-way, riparian rights, and personal property that may be necessary for the purpose of said board in said construction, and the only prerequisite for the exercise of said power of eminent domain shall be the adoption by said board of a resolution specifying the property sought to be condemned and the purpose for which it is to be used. Said board is authorized to sell any real or personal property acquired or owned by it when the same shall be determined to be no longer useful to or suitable for the purposes of said board.

Section 9. Said board is hereby authorized and empowered to purchase goods, supplies, or material for the use of said district without the necessity of advertising any notice or calling for bids regarding said purchase when the amount to be paid therefor by said district does not exceed \$10,000 or when the goods, supplies, or materials to be purchased are obtainable from only one source or supplier.

Section 10. Said board is hereby authorized and empowered to levy upon all the real and personal taxable property in said district a special tax not exceeding 10 mills on the dollar for the year 1947 and for each and every year thereafter, to be used solely in carrying out the purposes of this act.

Said levy shall be made not later than the 15th of July of each year by resolution of said board, or a majority thereof, duly entered at large upon its minutes. A certified copy of such resolution executed in the name of said board by its chair and secretary and under its corporate seals shall be delivered or transmitted to the Board of County Commissioners of Indian River County, and a copy shall be transmitted by mail to the Chief Financial Officer not later than August 1 of each year. It shall be the duty of the Board of County Commissioners of Indian River County to order the property appraiser of said county to assess and the collector of said county to collect the amount of said tax so assessed by the Board of Commissioners of said district upon all the taxable property, real or personal, in said district at the rate of taxation adopted by said board for said year, but not exceeding 10 mills on the dollar and as specified in said resolution, and said levy shall be included in the warrant to the tax collector and the property appraiser which is attached to the assessment roll of taxes for said county each year. The property appraiser shall make such assessment and the tax collector shall collect such taxes so levied in the manner as other taxes are assessed and collected and shall pay the same when collected, within the time and in the manner prescribed by law for the payment of other taxes, to the secretary of said Board of Commissioners. It shall be the duty of said Chief Financial Officer to assess and levy on all the railroad lines and railroad property, telegraph lines and telegraph property, and telephone lines and telephone property the amount of every such levy herewith provided in this section, and as in the case of other state and county taxes, and said taxes so levied by the Chief Financial Officer shall be collected as provided for other similar taxes, and the proceeds thereof shall be remitted to the secretary of said board in the same manner as such remittances are made in the collection of other taxes. If any such taxes so assessed are not paid, the said property shall be sold by said tax collector and certificates issued and tax deeds issued in the same manner and under the same laws relating to the sales, issuance of certificates, and deeds with reference to all other state and county taxes. The Board of Commissioners of the Indian River Mosquito Control District is herewith authorized to borrow in any one tax year a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence such loan made to said district by its tax anticipation note or notes bearing interest at a rate not to exceed 10 percent per annum, and which notes shall be payable at a time not greater than 1 year from the date of the borrowing of such moneys; the sums so borrowed shall be repaid out of the next taxes collected by said district to the extent necessary for the repayment thereof, together with such interest at a rate not to exceed 6 percent per annum; and no sums shall be borrowed as herewith provided in any subsequent year unless all moneys so borrowed in any preceding year shall have been entirely paid as to both principal and interest.

Section 11. Said board is hereby required to secure and keep in force in companies duly authorized to do business in Florida insurance covering liability for property damage or bodily injury or death resulting therefrom to all persons and property by reason of the ownership, maintenance, operation, or use of any vehicle, dragline, dredge, tractor, and related equipment being used for and in the interest of the purpose of said board in amounts not less than \$50,000 for bodily injury or death resulting therefrom to any

one person, and not less than \$100,000 for bodily injury or death resulting therefrom for any one accident, and not less than \$25,000 for damage to property.

Section 12. The title to and jurisdiction over all property of Indian River Mosquito Control District herewith abolished, of every kind, nature, or description, is herewith transferred to and vested in the new Indian River Mosquito Control District herewith created. All lawful debts or obligations of the old Indian River Mosquito Control District herewith abolished are herewith made the debts and obligations of the new district herewith created, and all claims, demands, or credits held by said old district are herewith transferred to and made the claims, demands, and credits of said new district. No obligation or contract of said old district shall be impaired by this act, but rather all obligations or contracts of said old district are herewith made the obligations and contracts of the new district herewith created. All acts of the Board of Commissioners of the old Indian River Mosquito Control District herewith abolished and of the agents, servants, and employees of said Board of Commissioners of said old district and of said district are herewith ratified and confirmed.

Section 13. Whoever shall willfully damage any ditch, canal, drain, dike, or other work established or constructed under this act or who shall willfully interfere with or injure any property, work, or facility established or constructed under this act or who shall willfully interfere with the acts of any commissioner of said district or any person lawfully authorized or employed by the Board of Commissioners of this district in carrying out the provisions of this act commits a misdemeanor and, upon conviction thereof, shall be punished as provided by general law.

Section 14. (1) The Board of Commissioners of the Indian River Mosquito Control District is hereby authorized, empowered, and permitted to provide for life, health, accident, and hospitalization insurance, or an annuity insurance, or all or any of such insurance for employees of said district, for the director or assistant director, or for members of said board, or for the families of such employees, for the family of the director or assistant director, or for the families of the members of the board, and to that end to enter into agreements with insurance companies to provide such insurance. The election to exercise the authority granted by this act shall be evidenced by resolution duly recorded in the minutes of the Board of Commissioners of Indian River Mosquito Control District.

(2) The Board of Commissioners of Indian River Mosquito Control District is authorized to budget from and pay out of appropriate funds any portion of the cost of such insurance and to deduct from the wages of employees, the director and assistant director, and the members of the board who in writing make request for such insurance the balance of such cost and to pay or remit the same directly to the insurance company issuing such insurance.

(3) The participation in such insurance by any employee, director or assistant director, or member of said board shall be entirely voluntary at all times. Any enrolled member of such insurance plan may, upon any pay day,

withdraw or retire from such plan upon giving the Board of Commissioners written notice thereof and directing the discontinuance of deductions from wages in payment of such premiums.

Section 15. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstance, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions to any other situation, circumstance, or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 4. Chapters 11128 (1925), 14381 (1929), 20114 (1939), 20494 (1941), 21048 (1941), 24600 (1947), 61-2278, 63-1433, 73-497, 76-388, 78-531, and 91-337, Laws of Florida, are repealed.

Section 5. This act shall take effect July 1, 2006.

Approved by the Governor June 6, 2006.

Filed in Office Secretary of State June 6, 2006.